UNITED STATES PATENT AND TRADEMARK OFFICE

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IBM CORPORATION, INTELLECTUAL PROPERTY LAW
DEPT 917, BLDG. 006-1
3605 HIGHWAY 52 NORTH
ROCHESTER, MN 55901-7829

EXAMINER
NGUYEN, CAM LINH T

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/007,713
Filing Date: November 13, 2001
Appellant(s): SANTOSUOSSO, JOHN MATTHEW

Gero G. McClellan
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 08/06/2009 appealing from the Office action mailed 04/07/2009.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

20020143878	BIRNBAUM	10-2002
6,578,078	SMITH	06-2003

(9) Grounds of Rejection

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
such that the subject matter as a whole would have been obvious at the time the invention was made to a person
having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
manner in which the invention was made.

2.   Claims 1 – 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Birnbaum

et al (U.S. 2002/0143878 A1) in view of Smith et al (U.S. 6,578,078).

♦ As per claim 11,

Birnbaum et al (U.S. 2002/0143878 A1) (herein Birnbaum) discloses a method, a computer

readable medium (Fig. 4, second computer), comprising a program which, when executed by a

processor (Fig. 5, paragraph 0093), performs an operation for updating a database, the operation

comprising:

-       " Receiving a change request from a web browser, the change request indicating the web

        browser has detected a change related to a web page for which information is stored in

        the database" See Fig. 2A, paragraph 0056, 0064 – 0065, 0067 of Birnbaum.

Birnbaum does not clearly teach that:

-       " Updating a database in response to receiving a change request from a browser"

Birnbaum only teaches that the system will be acted on the information depend upon the nature

of the information (paragraph 0079 – 0080), but does not clearly teaches that the database is

updated in response to the request.

Smith, however, on the other hand, discloses a method for update a web address in the server in

response to a request comprising: "Updating a database in response to receiving a change request

from a browser" (See Fig. 1, element 10, 26, col. 13 lines 1 – 10, col. 14 lines 8 – 17 of Smith).

In particular:

- "A change request" corresponds to the command from the author to move or delete a page.

- Because the author can use a computer as disclosed in Fig. 6, in which the author use a network connection to issue the command, therefore, the command is issued from a browser.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Smith into the invention of Birnbaum because the combination would provide an up-to-date database in response to a user request from a web browser.

♦ As per claim 1

Birnbaum et al (U.S. 2002/0143878 A1) (herein Birnbaum) discloses a method, a medium (Fig. 4, second computer), comprising a program which, when executed by a processor (Fig. 5, paragraph 0093), performs an operation for updating a database, the operation comprising:

- " Monitoring operation of a web browser program to detect an event indicating a change involving a web page for which information is stored in the database" See Fig. 2A, paragraph 0056, 0064 – 0065, 0067 of Birnbaum.

- " In response to the detecting such an event, sending a notification to the database containing the information causing the information to be updated in accordance with the change" See Fig. 2A, element 104, paragraph 0056, 0064 – 0065, 0067 of Birnbaum

Birnbaum does not clearly teach that:

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Birnbaum only teaches that the system will be acted on the information depend upon the nature

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In particular:

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  use a network connection to issue the command, therefore, the command is issued

  from a browser.

It would have been obvious to one with ordinary skill in the art at the time the invention was

made to apply the teaching of Smith into the invention of Birnbaum because the combination

would provide an up-to-date database in response to a user request from a web browser.

♦ As per claims 2, 12, 25, the combination of Birnbaum and Smith disclose:

- "Verifying whether a data table in the database allows automatic updates before sending

  the notification" see col. 13 lines 19 – 21, col. 18 lines 35 – 37 of Smith.

♦ As per claims 3 – 4, 13 – 14, the combination of Birnbaum and Smith disclose:

- " Attaching the database to the web browser through a login process". Because the

  computer used in Smith can be a network computer (col. 19 lines 1 – 19 of Smith), the

  database can be located in local or remote location. The user must use the network

connection to connect with the database using the login process (col. 20 lines 7 – 19 of

Smith). The system also provides an extra layer of security in order to gain access to the

system or attach the database to the browser (See col. 5 lines 46 – col. 6 lines 10 of

Smith).

-   " The browser resides on a client system and the database resides on a server system" See

    Fig. 6, col. 20 lines 20 – 33 of Smith.

♦ As per claims 5 – 7, 15 – 17, 26, 31, 35, the combination of Birnbaum and Smith disclose:

-   " The event comprises receiving, from a web server, a page redirect request to change a

    uniform resource locator (URL) or a web page from a first network address to a second

    network address" See Fig. 1, element 18 – 20, col. 13 lines 36 – 43 of Smith.

-   Smith also discloses a table to store URL and update this table when a new data is

    entered (See col. 11 lines 49 – 63 of Smith).

-   " The first and second network addresses are utilized as links on a web page" See col. 13,

    lines 50 – 65 of Smith.

♦ As per claims 8 - 10, 18 – 20, 27 – 28, 32, 36, the combination of Birnbaum and Smith

disclose:

-   " The event comprises a change in a web page" See Fig. 1, element 10 of Smith.

-   " The notification sent to the database contains sufficient information to update the

    database to reflect the change in the web page" col. 19 lines 1 – 19 of Smith.

♦ As per claims 21, 29 – 30, 33 – 34, the combination of Birnbaum and Smith disclose:

With all limitation as claimed in claims 11, 1, further claim 21 includes a memory

contains a database management system comprising a database update program. The "database

update program" corresponds to the "Referential Preservation engine Database" See the abstract.

Claim 29 further includes a "list of network addresses" See col. 11 line 49 – 63 of Smith.

Further claim 29 includes: "automatically accessing each network address on a list of network

address referenced in the database" See Fig. 4, col. 13, lines 30 – 50 of Smith.

♦ As per claims 22 - 23, the combination of Birnbaum and Smith disclose:

   - " A network connection configured to allow communication with the browser via the

      Internet" See Fig. 6 of Smith.

♦ As per claim 24, the combination of Birnbaum and Smith disclose:

   - "The database update program is part of a database server" See col. 19 line 1 – 8 of

      Smith.

   (10) Response to Argument

In Appellant's Brief, filed 08/06/2009, Appellant argues two specific points:

1) The Birnbaum reference does not describe receiving a change request from a web browser, the

change request indicating the web browser has detected a change related to a web page for which

information is stored in the database.

2) Information regarding a change in a web browser program is received from the mini-

application, and not a web browser.

The Federal Circuit has embraced a theory of prima facie obviousness for use in ex parte

prosecution in the PTO. The prima facie case is a procedural tool that, as used in patent

examination, means not only that the evidence of the prior art would reasonably allow the

conclusion that the examiner seeks, but also that the prior art compels such a conclusion if the

Appellant produces no evidence or argument to rebut it.   See *In re Spada*, 911 F.2d 705, 15

USPQ2d 1655 (Fed. Cir. 1990).   In the instant case, the prior art compels the conclusion that the

claimed invention is unpatentable under 35 U.S.C. §103(a) as set forth in the Final Office

Action, mailed April 07,2009, and reiterated above for convenience.

Each of Appellant's two arguments above fails to rebut the *prima facie* showing of

obviousness for the reasons discussed below.

EXAMINER'S RESPONSE TO APPELLANT'S ARGUMENT 1:

Appellant's first argument is unpersuasive because Birnbaum clearly discloses: "receiving a

change request from a web browser, the change request indicating the web browser has detected

a change related to a web page for which information is stored in the database".

Referring to paragraph 0067, Birnbaum teaches that the information that detected can be

new information entered by the user, new web address, information entered into a form by the

user, etc. Information that entered by the user corresponds to the "change request" in the instant

claim. Clearly, this information including information related to a web page because the user

used a web browser to enter information (a web page address), a web page is displayed so the

user can enter information. Therefore, the change that made by the user is related to a web page.

As seen in Fig. 5, each computer has a memory to store information. In addition, in paragraph

0080, Birnbaum teaches that any change at the customer device will also occur at the agent

browser, so the agent's browser will be synchronized to the customer browser. Therefore, the

memory in the agent browser is represented as a "database" that can be used to store new

information such as cookie or new information in its memory.

EXAMINER'S RESPONSE TO APPELLANT'S ARGUMENT 2:

Appellant's second argument is unpersuasive because Birnbaum clearly discloses a web browser

in the mini application program.

In Fig. 4, Birnbaum discloses a web browser in each computing device, In Fig. 2A, information

for a change is detected from a browser (i.e. monitor browser → change, step 103A – 103B in

Fig. 2A). Clearly, Birnbaum disclose "information regarding a change in the web browser

program is received from a web browser", as claimed in the instant application

According to paragraph 0080, each mini application uses a web browser when Birnbaum refers

to "customer's browser" and "agent's browser" ("the browser on the agent's device … any

change occurring at the customer's browser will also occur at the agent's browser"). Therefore,

the information regarding a change in a web browser program is received from the web browser.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related

Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/CamLinh Nguyen/

Primary Examiner, Art Unit 2161

Conferees:

/Apu M Mofiz/

Supervisory Patent Examiner, Art Unit 2161

/John R. Cottingham/

Supervisory Patent Examiner, Art Unit 2167

John Cottingham

SPE – Art Unit 2167